Under the Paperwork Reduction Act of 1995,		Application Number	09/597,796	
💅 TRANSMITTAI	_	Filing Date	June 20, 2000	RECE
FORM		First Named Inventor	Skeiky, Yasir	
(to be used for all correspondence after	initial filing)	Group Art Unit	1645	DEC 1
,		Examiner Name	Swartz, Rodney P.	TECH CENTER
otal Number of Pages in This Submission	n (37	Attorney Docket Number	014058-009050US	
	ENCL	OSURES (check all that apply)		
Fee Transmittal Form		ment Papers Application)	After Allowance Co	ommunication to
Fee Attached	☐ Drawir	ng(s)	Appeal Communication Appeals and Interference	
Amendment / Reply	Licens	ing-related Papers	Appeal Communica (Appeal Notice, Brief,	
After Final	Petitio	n	Proprietary Informa	ation
Affidavits/declaration(s)	. —	n to Convert to a ional Application	Status Letter	
Extension of Time Request		of Attorney, Revocation e of Correspondence Address	Other Enclosure(s	
Everess Abandonment Request		nal Disclaimer st for Refund	Return Postcard; Comi 37 CFR 1.821-1.825 a containing sequence li	nd Amendment; disk
Information Disclosure Statement	☐ CD, N	umber of CD(s)	to Comply s authorized to charge any	additional foos to
Certified Copy of Priority Document(s)	Rema			additional lees to
Response to Missing Parts/ Incomplete Application		•		
Response to Missing Parts under 37 CFR 1.52 or 1.53			•	
SIGN	ATURE OF	APPLICANT, ATTORNEY,	OR AGENT	
Firm Townsend and T	ownsend and		No. 42,058	

class mail in an envelope addressed to: Gemmissioner for Patents, Washington, D.C. 2023 on this date:

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Date

12/04/02

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09/597,796	06/20/2000	Yasir Skeiky	014058-009050US	6269
20350 7	590 11/04/2002			
TOWNSEND AND TOWNSEND AND CREW, LLP			EXAMINER	
	TWO EMBARCADERO CENTER EIGHTH FLOOR		SWARTZ, R	ODNEY P
SAN FRANCISCO, CA 94111-3834			ART UNIT	PAPER NUMBER
			1645	
			DATE MAILED: 11/04/2002	1.1

Response Due sce. LIST. 12/4/02 ALB

Please find below and/or attached an Office communication concerning this application or proceeding.





UNITED STATES DEPARTMENT OF COMMERCE Patent and Trademark Office COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	···	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/597,796				
				•

EXAMINER

Rodney P. Swartz, Ph.D.

ART UNIT PAPER NUMBER

1645

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application

Commissioner of Patents

This Application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR §§ 1.821 - 1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequences And/Or Amino Acid Sequence Disclosures.

Any inquiry concerning this communication should be directed to Examiner Rodney P. Swartz, Ph.D., Art Unit 1645, whose telephone number is (703) 308-4244. If unable to reach the examiner, Lynette Smith, SPE, can be contacted at (703) 308-3909.

Any questions regarding compliance with the sequence rules requirements specifically should be directed to the departments listed at the bottom of the Notice To Comply.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

APPLICANT IS GIVEN ONE MONTH FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.F.R. §§ 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R. § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 C.F.R. § 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Direct the response to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the response.

Rodney P. Swartz, Ph.D.

November 4, 2002





NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CAR §1.821 - §1.825 for the following reasons(s):

- [X] 1. This application clearly fails to comply with the requirements of 37 CAR §1.821 §1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990, and at 55 FR 18230, May 1, 1990.
- [] 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CAR §1.821(c).
- [] 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CAR §1.821(e).
- [X] 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CAR §1.822 and/or §1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing".
- [] 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CAR §1.825(d).
- [] 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CAR §1.821(e).

7. Other:			

APPLICANT MUST PROVIDE:

- [X] An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- [X] An initial or substitute paper copy of the "Sequence Listing", as were as an amendment directing its entry into the specification.
- [X] A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 CAR §1.821(e) or §1.821(f) or §1.821(g) or §1.825(b) or §1.825(d).

FOR QUESTIONS REGARDING COMPLIANCE WITH THESE REQUIREMENTS, PLEASE CONTACT:

For Rules Interpretation, call (703) 308-1123 For CRF Submission help, call (703)308-4212 For Patentin Software help, call (703) 557-0400

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE.

ERROR DETECTED	SUGGESTED CORRECTION SERIAL NUMBER: 09/597,796B
ATTN: NEW RULES CASES	5: PLEASE DISREGARD ENGLISH "ALPHA" HEADERS, WHICH WERE INSERTED BY PTO S
1 Wrapped Nucleics Wrapped Aminos	The number/text at the end of each line "wrapped" down to the next line. This may occur if your file was retrieved in a word processor after creating it. Please adjust your right margin to .3; this will prevent "wrapping."
2Invalid Line Length	The rules require that a line not exceed 72 characters in length. This includes white spaces.
3Misaligned Amino Numbering	The numbering under each 5th amino acid is misaligned. Do not use tab codes between numbers; use space characters, instead.
4Non-ASCII	The submitted file was not saved in ASCII(DOS) text, as required by the Sequence Rules. Please ensure your subsequent submission is saved in ASCII text.
5Variable Length	Sequence(s) contain n's or Xaa's representing more than one residue. Per Sequence Rules, each n or Xaa can only represent a single residue. Please present the maximum number of each residue having variable length and indicate in the <220>-<223> section that some may be missing.
6PatentIn 2.0 "bug"	A "bug" in Patentin version 2.0 has equenced the <220>-<223> section to be missing from amino acid sequences(s) Normally, Patentin would automatically generate this section from the previously coded nucleic acid sequence. Please manually copy the relevant <220>-<223> section to the subsequent amino acid sequence. This applies to the mandatory <220>-<223> sections for Artificial or Unknown sequences.
7Skipped Sequences (OLD RULES)	Sequence(s) missing. If intentional, please insert the following lines for each skipped sequence: (2) INFORMATION FOR SEQ ID NO:X: (insert SEQ ID NO where "X" is shown) (i) SEQUENCE CHARACTERISTICS: (Do not insert any subheadings under this heading). (xi) SEQUENCE DESCRIPTION:SEQ ID NO:Xº (insert SEQ ID NO where "X" is shown) This sequence is intentionally skipped
	Please also adjust the "(ii) NUMBER OF SEQUENCES:" response to include the skipped sequences.
8Skipped Sequences' (NEW RULES)	Sequence(s) missing. If Intentional, please insert the following lines for each skipped sequence. <210> sequence id number <400> sequence id number 000
Use of n's or Xaa's (NEW RULES)	Use of n's and/or Xaa's have been detected in the Sequence Listing. Per 1.823 of Sequence Rules, use of <220>-<223> is MANDATORY if n's or Xaa's are present. In <220> to <223> section, please explain location of n or Xaa, and which residue n or Xaa represents.
0Invalid <213> Response	Per 1.823 of Sequence Rules, the only valid <213> responses are: Unknown, Artificial Sequence, or scientific name (Genus/species). <220>-<223> section is required when <213> response is Unknown or is Artificial Sequence
1Use of <220>	Sequence(s) missing the <220> "Feature" and associated numeric identifiers and responses. Use of <220> to <223> is MANDATORY if <213> "Organism" response is "Artificial Sequence" or "Unknown." Please explain source of genetic material in <220> to <223> section. (See "Federal Register," 06/01/1998, Vol. 63, No. 104, pp. 29631-32) (Sec. 1.823 of Sequence Rules)
2PatentIn 2.0 "bug"	Please do not use "Copy to Disk" function of Patentln version 2.0. This causes a corrupted file, resulting in missing mandatory numeric identifiers and responses (as indicated on raw sequence listing). Instead, please use "File Manager" or any other manual means to copy file to floppy disk.
3Misuse of n	n can only be used to represent a single nucleotide in a nucleic acid sequence. N is not used to represent any value not specifically a nucleotide.

AMC/MH - Biotechnology Systems Branch - 08/21/2001

DATE: 01/15/2002

TIME: 12:32:10

1600

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RAW SEQUENCE LISTING

PATENT APPLICATION: US/09/597,796B





RAW SEQUENCE LISTINGPATENT APPLICATION: US/09/597,796B

DATE: 01/15/2002

TIME: 12:32:10

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77 Gly Ile Val Ile Asp Pro Asn Gly Val Val Leu Thr Asn Asn His Val
        50
                            55
79 Ile Ala Gly Ala Thr Asp Ile Asn Ala Phe Ser Val Gly Ser Gly Gln
                        70
81 Thr Tyr Gly Val Asp Val Val Gly Tyr Asp Arg Thr Gln Asp Val Ala
                                        90
83 Val Leu Gln Leu Arg Gly Ala Gly Gly Leu Pro Ser Ala Ala Ile Gly
               100
                                   105
85 Gly Gly Val Ala Val Gly Glu Pro Val Val Ala Met Gly Asn Ser Gly
                               120
87 Gly Gln Gly Gly Thr Pro Arg Ala Val Pro Gly Arg Val Val Ala Leu
                                        .
خ
                           135
                                               140
89 Gly Gln Thr Val Gln Ala Ser Asp Ser Leu Thr Gly Ala Glu Glu Thr
                       150
                                           155
91 Leu Asn Gly Leu Ile Gln Phe Asp Ala Ala. Ile Gln Pro Gly Asp Ser
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95 Ala Ala Ser
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111 ggcggccccg ccggccttgt cgcaggaccg gttcgccgac ttccccgcgc tgcccctcga 240
112 cccgtccgcg atggtcgccc aagtggcgcc acaggtggtc aacatcaaca ccaaactggg 300
113 ctacaacaac geogtgggeg eegggacegg categteate gateceaaeg gtgtegtget 360
114 gaccaacaac cacgtgateg egggegecac egacateaat gegtteageg teggeteegg 420
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120 egtegteaac ggeetaggae aggtggtegg tatgaacaeg geegegteeg ataaetteea 780
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W--> 132 gccagcgcgg acggttccgm cgatctgcgt ggactcatcg atcgcctcga ctacctgcag 1500
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                      20
                                          25
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                                  55
     159 Asn Ile Asn Thr Lys Leu Gly Tyr Asn Asn Ala Val Gly Ala Gly Thr
     161 Gly Ile Val Ile Asp Pro Asn Gly Val Val Leu Thr Asn Asn His Val
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     163 Ile Ala Gly Ala Thr Asp Ile Asn Ala Phe Ser Val Gly Ser Gly Gln
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                                         105
     165 Thr Tyr Gly Val Asp Val Val Gly Tyr Asp Arg Thr Gln Asp Val Ala
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                                 135
     169 Gly Gly Val Ala Val Gly Glu Pro Val Val Ala Met Gly Asn Ser Gly
                             150
                                                  155
     171 Gly Gln Gly Gly Thr Pro Arg Ala Val Pro Gly Arg Val Val Ala Leu
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                                              170
     173 Gly Gln Thr Val Gln Ala Ser Asp Ser Leu Thr Gly Ala Glu Glu Thr
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RAW SEQUENCE LISTING DATE: 01/15/2002 PATENT APPLICATION: US/09/597,796B TIME: 12:32:10

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234 50 55 60	
235 Val Gly Ser Ala Pro Ala Ala Ser Leu Gly Ile Ser Thr Gly Asp Val	
236 65 70 75 80	
237 Ile Thr Ala Val Asp Gly Ala Pro Ile Asn Ser Ala Thr Ala Met Ala	
238 85 90 95	
239 Asp Ala Leu Asn Gly His His Pro Gly Asp Val Ile Ser Val Asn Trp	
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271 aggactecga caccaccac agegegggeg ggetectega geaggeegee geggtegagg 300	Λ
273 agetggecea geceaegeag ggeaecaege ettetteeaa getgggtgge etgtggaaga 1080	
274 eggtetegee geateggteg cegateagea acatggtgte gatggeeaac aaccacatgt 1140	
275 cgatgaccaa ctcgggtgtg tcgatgacca acaccttgag ctcgatgttg aagggctttg 1200	
276 ctccggcggc ggccgcccag gccgtgcaaa ccgcggcgca aaacggggtc cgggcgatga 1260	
277 getegetggg cagetegetg ggttettegg gtetgggegg tggggtggee gecaacttgg 1320	
278 gtegggegge eteggteggt tegttgtegg tgeegeagge etgggeegeg geeaaceagg 1380	
279 cagtcaccc ggcggcgcg gcgctgccgc tgaccagcct gaccagcgc gcggaaagag 1440	
280 ggcccgggca gatgctgggc gggctgccgg tggggcagat gggcgccagg gccggtggtg 1500	
281 ggctcagtgg tgtgctgcgt gttccgccgc gaccctatgt gatgccgcat tctccggcgg 1560	
282 ccggctagga gagggggcgc agactgtcgt tatttgacca gtgatcggcg gtctcggtgt 1620	
283 ttccgcggcc ggctatgaca acagtcaatg tgcatgacaa gttacaggta ttaggtccag 1680	
284 gttcaacaag gagacaggca acatggcctc acgttttatg acggatccgc acgcgatgcg 174	U

04,597,7968 6

<210>	10	
<211>	596	
<212>	PRT	
<213>	Artificial Sequence \\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\	Cushet this
<223>	PRT Artificial Sequence Description of Artificial Sequence: fusion protein TbH9-Ra35 (MTB59F)	
<400>	10	runeve idestifier wherever 22217, 2222:
		wherever 62217, 6222;
		or 22237 is shown

The types of errors shown crist throughout the Sequence Listing. Please check subseque sequences for similar errors.

```
<210> 25
<211> 851
<212> DNA
<213> Mycobacterium tuberculosis
<220>
<223> MTB39 (TbH9) cDNA
<400> 25
ctgcagggtg gcgtggatga gcgtcaccgc ggggcaggcc gagctgaccg ccgcccaggt 60
ccgggttgct gcggcgcct acgagacggc gtatgggctg acggtgcccc cgccggtgat 120
cgccgagaac cgtgctgaac tgatgattct gatagcgacc aacctcttgg ggcaaaacac 180
cccggcgatc gcggtcaacg aggccgaata cggcgagatg tgggcccaag acgccgccgc 240
gatgtttggc tacgccgcgg cgacggcgac ggcgacggcg acgttgctgc cgttcgaga 300
ggcgccggag atgaccagcg cgggtgggct cctcgagcag gccgccgcgg tcgaggaggc 360
ctccgacacc gccgcggcga accagttgat gaacaatgtg ccccaggcgc tgaaacagtt 420
ggcccagccc acgcagggca ccacgccttc ttccaagctg ggtggcctgt ggaagacggt 480
ctcgccgcat cggtcgccga tcagcaacat ggtgtcgatg gccaacaacc acatgtcgat 540
gaccaactcg ggtgtgtcga tgaccaacac cttgagctcg atgttgaagg gctttgctcc 600
ggcggcggcc gcccaggccg tgcaaaccgc ggcgcaaaac ggggtccggg cgatgagctc 660.
getgggeage tegetgggtt ettegggtet gggeggtggg gtggeegeea aettgggteg 720
ggcggcctcg gtacggtatg gtcaccggga tggcggaaaa tatgcanagt ctgqtcqqcg 780
gaacggtggt ccggcgtaag gtttaccccc gttttctgga tgcggtgaac ttcgtcaacg 840
qaaacagtta c
                                                                  851
```

TYMPORTANT

Use of more for Wea has been detected in the Sequence Listing. Review the Sequence Listing to insure a corresponding explanation is presented in the <220> to <225> fields of each sequence using n or Xaa.

VERIFICATION SUMMARY PATENT APPLICATION: US/09/597,796B DATE: 01/15/2002 TIME: 12:32:11

Input Set : A:\-90-5.app

Output Set: N:\CRF3\01152002\I597796B.raw

```
L:13 M:271 C: Current Filing Date differs, Replaced Current Filing Date
L:132 M:258 W: Mandatory Feature missing, <221> not found for SEQ ID#:3
L:132 M:258 W: Mandatory Feature missing, <222> not found for SEQ ID#:3
L:132 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:3
.L:138 M:258 W: Mandatory Feature missing, <221> not found for SEQ ID#:3
L:138 M:258 W: Mandatory Feature missing, <222> not found for SEQ ID#:3
L:138 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:3
L:421 M:258 W: Mandatory Feature missing, <220> FEATURE:
L:508 M:280 W: Numeric Identifier already exists, Organism not replaced.
L:535 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:11
L:572 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:11
L:580 M:258 W: Mandatory Feature missing, <220> FEATURE:
L:788 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:17
L:798 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:17
L:804 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:17
L:805 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:17
L:1082\ M:258\ W: Mandatory Feature missing, <221> not found for SEQ ID#:25
L:1082 M:258 W: Mandatory Feature missing, <222> not found for SEQ ID#:25
L:1082 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:25
L:1126 M:258 W: Mandatory Feature missing, <221> not found for SEQ ID#:26
L:1126 M:258 W: Mandatory Feature missing, <222> not found for SEQ ID#:26
L:1126 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:26
L:1181 M:336 W: Invalid Amino Acid Number in Coding Region, SEQ ID:27
```